

SEPTEMBER 20, 2005 AGENDA REPORTS

Agenda Item No. 4a

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0842

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Sanitary Sewer for Falcon Falls 2nd Addition (north of 45th St. North, west of Hillside) (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner, representing 100% of the improvement district.

Analysis: The project will provide sanitary sewer improvements to a new residential development located north of 45th St. North, west of Hillside.

Financial Considerations: The Petition totals \$91,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

132019

First Published in the Wichita Eagle on _____ 2005.

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION
AUTHORIZING CONSTRUCTION OF LATERAL 7, MAIN 13, SANITARY SEWER NO. 23
(NORTH OF 45TH ST. NORTH, WEST OF HILLSIDE) 468-84066 IN THE CITY OF
WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE
GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 7, MAIN 13, SANITARY SEWER NO. 23 (NORTH OF 45TH ST. NORTH, WEST OF HILLSIDE) 468-84066 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 7, Main 13, Sanitary Sewer No. 23 (north of 45th St. North, west of Hillside) 468-84066.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Ninety-One Thousand Dollars (\$91,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after August 1, 2005, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

FALCON FALLS 2ND ADDITION

Lots 1 through 55, Block A

Lots 1 through 18, Block B

Lots 1 through 43, Block C

Lots 1 through 23, Block D

Lots 1 through 49, Block E

UNPLATTED TRACT "A"

The SE ¼ of Sec. 22, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part platted as Falcon Falls Addition, Wichita, Sedgwick County, Kansas, and EXCEPT that part platted as Falcon Falls 2nd Addition, Wichita, Sedgwick County, Kansas, and EXCEPT that part described as follows: Beginning at the SE corner of the SE ¼ of Sec. 22, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas; thence S89°39'55"W along the south line of said SE ¼, 1500.00 feet; thence N00°20'05"W perpendicular to said south line, 65.00 feet; thence N59°01'12"E, 157.06 feet; thence N43°58'19"E, 75.00 feet; thence N30°15'17"E, 320.00 feet; thence N22°05'36"E, 168.00 feet; thence N49°33'27"E, 120.00 feet; thence N74°59'22"E, 270.00 feet; thence N44°22'19"E, 180.00 feet; thence N29°21'37"E, 540.30 feet; thence N15°31'04"E, 385.26 feet; thence N26°42'26"E, 260.68 feet; thence N89°47'41"E, perpendicular to the east line of said SE ¼, 119.00 feet to a point on the east line of said SE ¼; thence S00°12'19"E, along the east line of said SE ¼, 1975.00 feet to the point of beginning, EXCEPT that part condemned for K-254 Highway in Condemnation Case No. B-19603, all being subject to road rights-of-way of record.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 55, Block A, Lots 1 through 18, Block B, Lots 1 through 43, Block C, Lots 1 through 23, Block D, and Lots 1 through 49, Block E, FALCON FALLS 2ND ADDITION shall each pay 1/334 of the total cost of the improvements, and UNPLATTED TRACT 'A' shall pay 146/334 of the total cost of the improvements.

In the event all or part of the lost or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, September _____ 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

Agenda Item No. 4b

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0843

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Water Distribution System for North Ridge Village Addition (north of 37th St. North, west of Ridge) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On March 22, 2005, the City Council approved a Petition to construct a water distribution system for North Ridge Village Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

Analysis: The project will serve a new commercial development located north of 37th St. North, west of Ridge.

Financial Considerations: The existing Petition totals \$63,200, with \$32,200 assessed to the improvement district and \$31,000 paid by the Water Utility. The new Petition totals \$86,890, with \$34,755 assessed to the improvement district and \$52,135 paid by the Water Utility. The Utility share is for the cost of oversizing the pipe to serve future development outside the improvement district.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition and adopt the Resolution.

132019

First Published in the Wichita Eagle on September _____, 2005.

RESOLUTION NO. 05-

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION
AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-
90061, (NORTH OF 37TH ST. NORTH, WEST OF RIDGE) IN THE CITY OF WICHITA,
KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING
BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF
CONSTRUCTING WATER DISTRIBUTION SYSTEM NUMBER 448-90061, (NORTH OF
37TH ST. NORTH, WEST OF RIDGE) IN THE CITY OF WICHITA, KANSAS, ARE
HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 05-144 adopted on March 22, 2005 is hereby
rescinded.

SECTION 2. That it is necessary and in the public interest to construct Water
Distribution System Number 448-90061, (north of 37th St. North, west of Ridge) in the City of
Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be
Eighty-Six Thousand Eight Hundred Ninety Dollars (\$86,890), exclusive of the cost of interest
on borrowed money, with 40 percent payable by the improvement district and 60 percent payable
by the City at large. Said estimated cost as above set forth is hereby increased at the pro-rata rate
of 1 percent per month from and after January 1, 2005, exclusive of the costs of temporary
financing.

SECTION 4. That all costs of said improvements attributable to the improvement
district, when ascertained, shall be assessed against the land lying within the improvement
district described as follows:

NORTH RIDGE VILLAGE ADDITION

Lots 1 through 7, Block 1

SECTION 5. That the method of apportioning all costs of said improvements
attributable to the owners of land liable for assessment shall be on a fractional basis:

The fractional shares provided for herein have been determined on the basis of equal
shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1,
Block 1, NORTH RIDGE VILLAGE ADDITION shall pay 417/10,000 of the total cost payable
by the improvement district. Lot 2, Block 1, NORTH RIDGE VILLAGE ADDITION shall pay
429/10,000 of the total cost payable by the improvement district. Lot 3, Block 1, NORTH
RIDGE VILLAGE ADDITION shall pay 1158/10,000 of the total cost payable by the

improvement district. Lot 4, Block 1, NORTH RIDGE VILLAGE ADDITION shall pay 1209/10,000 of the total cost payable by the improvement district. Lot 5, Block 1, NORTH RIDGE VILLAGE ADDITION shall pay 1502/10,000 of the total cost payable by the improvement district. Lot 6, Block 1, NORTH RIDGE VILLAGE ADDITION shall pay 2807/10,000 of the total cost payable by the improvement district. Lot 7, Block 1, NORTH RIDGE VILLAGE ADDITION shall pay 2478/10,000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessment have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, September _____, 2005..

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

Agenda Item No. 4c

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0844

TO: Mayor and City Council Members

SUBJECT: Petition to install traffic signals at Maize between 21st and Central Park Street (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Petition has been signed by one owner, representing 100% of the improvement district.

Analysis: The project will provide signalized access to a new retail development located west of Maize, north of 21st. The signals will be installed when warranted by traffic volumes.

Financial Considerations: The Petition totals \$130,000, with the total assessed to the improvement district.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, and adopt the Resolution.

132019

First Published in the Wichita Eagle September _____, 2005.

RESOLUTION NO. 05-

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION
AUTHORIZING CONSTRUCTING A TRAFFIC SIGNAL ON MAIZE ROAD AT THE

MAJOR ENTRANCE LOCATED NORTH OF 21ST ST. NORTH (NORTH OF 21ST, WEST OF MAIZE) 472-84276 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING A TRAFFIC SIGNAL ON MAIZE ROAD AT THE MAJOR ENTRANCE LOCATED NORTH OF 21ST ST. NORTH (NORTH OF 21ST, WEST OF MAIZE) 472-84276 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct a traffic signal on Maize Road at the major entrance located north of 21st St. North (north of 21st, west of Maize) 472-84276.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 thereof is estimated to be One Hundred Thirty Thousand Dollars (\$130,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after August 1, 2005, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TRACT "A"

A PART OF LOT 1, BLOCK 1, NEWMARKET SQUARE, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, NEWMARKET SQUARE; THENCE BEARING N89°48'16"W, ALONG THE NORTH LINE OF SAID ADDITION A DISTANCE OF 1259.76 FEET TO THE NORTHWEST CORNER OF SAID ADDITION; THENCE BEARING S01°20'39"W, ALONG THE WEST LINE OF SAID ADDITION A DISTANCE OF 134.51 FEET; THENCE BEARING S88°37'11"E, A DISTANCE OF 292.36 FEET; THENCE BEARING N01°22'49"E, A DISTANCE OF 97.47 FEET; THENCE BEARING S88°37'11"E, A DISTANCE OF 294.62 FEET; THENCE BEARING S01°22'49"W, A DISTANCE OF 238.34 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 81°07'59" AN ARC DISTANCE OF 35.40 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 247.50 FEET, THROUGH A CENTRAL ANGLE OF 70°02'53" AN ARC DISTANCE OF 302.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 78°54'54" AN ARC DISTANCE OF 27.55 FEET TO THE P.T. OF

SAID CURVE; THENCE BEARING S88°37'11"E, A DISTANCE OF 426.92 FEET TO THE EAST LINE OF SAID ADDITION; THENCE BEARING N01°22'49"E, ALONG THE EAST LINE OF SAID ADDITION A DISTANCE OF 539.24 FEET TO THE POINT OF BEGINNING.

TRACT "B"

A TRACT OF LAND IN LOT 1, BLOCK 1, NEWMARKET SQUARE, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, NEWMARKET SQUARE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; THENCE BEARING S01°20'39"W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 134.52 FEET TO THE POINT OF BEGINNING; THENCE BEARING S88°37'11"E, A DISTANCE OF 292.35 FEET; THENCE BEARING N01°22'49"E, A DISTANCE OF 97.47 FEET; THENCE BEARING S88°37'11"E, A DISTANCE OF 294.62 FEET; THENCE BEARING S01°22'49"W, A DISTANCE OF 238.34 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 81°08'10", AN ARC DISTANCE OF 35.40 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 247.50 FEET AND CHORD BEARING OF N84°11'16"W; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 8°51'50", AN ARC DISTANCE OF 38.30 FEET; THENCE BEARING N88°37'11"W, A DISTANCE OF 569.86 FEET TO THE WEST LINE OF SAID LOT 1, BLOCK 1; THENCE BEARING N01°20'39"E, A DISTANCE OF 162.62 FEET TO THE POINT OF BEGINNING. ENCOMPASSING 124,256 SQUARE FEET OR 2.852 ACRES MORE OR LESS.

TRACT "C"

THAT PART OF LOT 1, BLOCK 1, NEWMARKET SQUARE, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, BLOCK 1, NEWMARKET SQUARE; THENCE N88°37'11"W, A DISTANCE OF 483.24 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 96.68 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°57'50" AN ARC DISTANCE OF 50.56 FEET; THENCE N58°39'21"W, A DISTANCE OF 125.72 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°47'01" AN ARC DISTANCE OF 20.57 FEET; THENCE N46°52'20"W, A DISTANCE OF 42.57 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 48°12'59" AN ARC DISTANCE OF 42.08 FEET; THENCE N01°20'39"E, A DISTANCE OF 33.00 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 23.56 FEET; THENCE N88°39'21"W, A DISTANCE OF 193.29 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 78.54 FEET; THENCE S01°20'39"W, PARALLEL WITH THE WEST LINE OF SAID NEWMARKET SQUARE A DISTANCE OF 1305.45 FEET TO THE SOUTH LINE OF SAID ADDITION; THENCE

N90°00'00"W, ALONG SAID SOUTH LINE A DISTANCE OF 45.01 FEET TO THE SOUTHWEST CORNER OF SAID ADDITION; THENCE N01°20'39"E, ALONG THE WEST LINE OF SAID ADDITION A DISTANCE OF 2026.82 FEET; THENCE S88°37'11"E, A DISTANCE OF 569.87 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 247.50 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°54'53" AN ARC DISTANCE OF 340.89 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°54'53", AN ARC DISTANCE OF 27.55 FEET; THENCE S88°37'11"E, A DISTANCE OF 426.92 FEET TO THE EAST LINE OF SAID ADDITION; THENCE S01°22'49"W, ALONG SAID LOT 2; THENCE S01°22'49"W, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. CONTAINING 927,483 SQUARE FEET OR 21.29 ACRES MORE OR LESS.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That Tract "A" shall pay 50/100 of the total cost payable by the improvement district, Tract "B" shall pay 5/100 of the total cost payable by the improvement district, and Tract "C" shall pay 45/100 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, September _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLET, CITY CLERK
(SEAL)

Agenda Item No. 4d

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0845

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Sanitary Sewer in The Fairmont Additions (north of 21st, west of 127th St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On February 5, 2002, the City Council approved a Petition to construct a sanitary sewer in The Fairmont Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The Petition also expands the scope of the project to include parts of The Fairmont 3rd and 4th Additions. The signature on the new Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located north of 21st Street, west of 127th St. East.

Financial Considerations: The existing Petition totals \$181,000. The new Petition totals \$461,150. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition and adopt the Resolution.

132019

First Published in the Wichita Eagle on September _____, 2005.

RESOLUTION NO. 05-

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION
AUTHORIZING CONSTRUCTION OF LATERAL 3, MAIN 11, FOUR MILE CREEK
SEWER (NORTH OF 21ST, WEST OF 127TH ST. EAST) 468-83402, IN THE CITY OF
WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE
GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE
CONSTRUCTION OF LATERAL 3, MAIN 11, FOUR MILE CREEK SEWER (NORTH OF
21ST, WEST OF 127TH ST. EAST) 468-83402, IN THE CITY OF WICHITA, KANSAS, ARE
HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 02-097 adopted on February 5, 2002, is hereby
rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 3, Main
11, Four Mile Creek Sewer, (north of 21st, west of 127th St. East) 468-83402.

Said sanitary sewer shall be constructed of the material in accordance with plans and
specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is
estimated to be One Hundred Eighty-One Thousand Dollars (\$181,000) exclusive of the cost of
interest on borrowed money, with 100 percent payable by the improvement district. Said
estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month
from and after July 1, 2005, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement
district, when ascertained, shall be assessed against the land lying within the improvement
district described as follows:

THE FAIRMONT ADDITION

Lots 1 through 17, Block B

Lots 1 through 7, Block C

Lots 1 through 17, Block D

Lots 1 through 3, Block G
Lots 12 through 14, Block G

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 17, Block B, Lots 1 through 7, Block C, Lots 1 through 17, Block D, and Lots 1 through 3 and Lots 12 through 14, Block G, THE FAIRMONT ADDITION shall each pay 1/47 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, September _____, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

Agenda Item No. 6

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0846

TO: Mayor and City Council

SUBJECT: Special Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure requests have been submitted (see attached maps):

Stand Down - Friday, September 23, 8:00 a.m. – 5:00 p.m.

Robert J. Dole Veteran's Administration

§ 413-417 S. Pattie

Unity Street Event & Dance – Saturday, September 24, 2:00 – 11:00 p.m.

§ Walnut Street from Douglas to area of abandoned railroad track, south of First Street

Delano Fall Fair – Sunday, October 2, 7:00 a.m. – 6:30 p.m.

§ Douglas from west of McLean to east of Seneca

Historic House Tour – Saturday & Sunday, October 8 & 9 – 11:00 a.m. – 5:00 p.m.

§ 1800 block of N. Wellington Place

§ 1700 block of N. Park Place

26th Annual KAKE-TV/Wichita Marathon – Sunday, October 16

One lane closings:

§ South lane of 31st from McConnell AFB to Oliver – 9:30 a.m -12:30 p.m.

§ Far west lane of Oliver from 31st to George Washington Blvd.- 9:30 a.m. -12:30 p.m.

§ SW lane of George Washington Blvd from Oliver to Mt. Vernon – 9:30 a.m.-12:45 p.m.
§ Far south lane of Mr. Vernon from George Washington Blvd to Linwood Park
9:45 a.m. – 1:15 p.m.
§ Far south lane of Douglas from I-135 to Mead – 9:45 a.m. – 2:00 p.m.

All lanes closings:

§ Mead from Douglas to Second Street – 9:45 a.m. – 2:00 p.m.
§ Second from Mead to parking garage exit located to the west of Farm & Art Market Plaza
- 9:45 a.m. – 2:00 p.m.

Annual Frostbite Regatta - Sunday, November 6, 6:30 a.m.-5:30 p.m.

§ South Nims Street Bridge from south traffic circle south in Riverside Park, south to
Central Street

Police security is arranged to remove street barricades as necessary to allow emergency vehicle access during entire designated time period

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

Agenda Item No. 7

CITY OF WICHITA
City Council Meeting

September 20, 2005

Agenda Report No. 05-0847

TO: Mayor and City Council Members

SUBJECT: Weapons Destruction

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Receive and file the report.

Background: The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

Analysis: City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. Lists of weapons being destroyed have been provided (attached), and includes Exhibit A – 252 long guns and 539 handguns; Exhibit B – 25 long guns and 55 handguns; and Exhibit C – 51 long guns and 95 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Financial Considerations: None.

Legal Considerations: Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Recommendations/Actions: It is recommended that the City Council receive and file the list of weapons.

Agenda Item No. 8

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0848

TO: Mayor and City Council

SUBJECT: Easement Encroachment Agreement (District II)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Easement Encroachment Agreement.

Analysis: The Agreement allows George Laham to occupy and construct, improvements on, over, and across a platted 20-foot utility easement described as the north 20 feet of Reserve A, The Gateway Center 2nd Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 30' x 12'-8" double-faced pylon sign in above said easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting

from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Financial Considerations: There are no financial considerations.

Legal Considerations: The Law Department has reviewed the Easement Encroachment Agreement and approved it as to form.

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 8b

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0849

TO: Mayor and City Council Members

SUBJECT: United States Geological Survey (USGS) Surface Water Agreement
October 1, 2005 through September 30, 2006 (All Districts)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Joint Funding Agreement.

Background: In 1957, as a condition of Federal assistance in construction of the Wichita-Valley Center Flood Control Project, the City of Wichita entered into a cooperative agreement with the United States Geological Survey (USGS) to install and maintain stream recorders along the project. Rainfall recorders were added later for the City's own use.

Analysis: The Department of Public Works uses recorders to monitor rainfall through the drainage basins affecting the project to determine volumes of incoming water. This collected data is transmitted to the National Weather Service, which transmits the data to the River Forecast Center in Tulsa, Oklahoma. The data is statistically analyzed and published by USGS.

The Water Department monitors the flow of water into and out of Cheney Reservoir and relays the elevation of the lake to the Corps of Engineers.

Financial Considerations: The Agreement requires the City to pay \$35,257 of the \$60,640 total program cost, with USGS responsible for the balance of \$25,383. Budget for the City's cost is

split between the Water & Sewer Department (\$16,016) and City-County Flood Control (\$19,241). These funds have been allocated in the appropriate operating budgets.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Joint Funding Agreement and authorize the necessary signatures.

Agenda Item No. 9

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0850

TO: Mayor and City Council Members

SUBJECT: Change Order: Storm Water Drain in Cheryl's Hollow Addition (north of 13th, west of 135th St. West) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On May 17, 2005 the City Council approved a contract with Mies Construction for a storm water drain in Cheryl's Hollow Addition, north of 13th, west of 135th St. West. It has since been determined that, in order to mitigate future erosion, an eight foot wide band of rip-rap should be installed on the banks of two detention ponds.

Analysis: A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The cost of the additional work is \$28,457 with the total paid by special assessments. The original contract amount is \$114,821. This Change Order represents 24.8% of the original contract amount.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

November 24, 2004
PUBLIC WORKS-ENGINEERING CHANGE ORDER

To: Nowak Construction Co., Inc. Project: Lateral 91, Main 1, Southwest Interceptor Sewer
to serve Hidden Glen Addition

Change Order No.: 1 Project No.: 468-83484

Purchase Order No.: 401004 OCA No.: 744064

CHARGE TO OCA No.: 744064 - \$16,500.00 PPN: 480752

620421 - \$10,000.00

706877 - \$8,500.00

Please perform the following extra work at a cost not to exceed \$35,000.00

ADD:

Replace defective stub	1 LS	@	35,000.00	=	35,000.00
TOTAL					\$35,000.00

Recommended By: Approved:

Lawrence Schaller, P.E.
Construction Engineer

Date James Armour, P.E. Date
Acting City Engineer

Approved: Approved:

Contractor Date Chris Carrier, P.E. Date
Acting Director of Public Works

Approved as to Form: By Order of the City Council:

Gary Rebenstorf
Director of Law

Date Carlos Mayans
Mayor

Date

Attest: _____
City Clerk

Agenda Item No. 10a

CITY OF WICHITA
City Council Meeting
September 20, 2005

Agenda Report No. 05-0851

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of 1522 North Market as a portion of the Abandoned Union Pacific Rail Corridor for the Midtown Greenway (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Ave. And Wichita St. to 15th St. and Broadway. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The city has reviewed the former corridor and decided that it could be utilized to develop a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th St. from the adjacent owners.

Analysis: Due to their size and configuration, the tracts being acquired are not developable by themselves. The majority of the tracts abut developed properties but lie outside the fenced, defined boundaries of the properties. The purchase price of similar tracts was reviewed to estimate market value. These amounts were offered to the adjacent property owners with several accepting the offers. The owner at 1522 North Market has agreed to sell to the city his portion of the Union Pacific Railroad tract consisting of 2,000 square feet at \$2,000.

Financial Considerations: A budget of \$2,300 is requested for the acquisition. This includes \$2,000 for the acquisition and \$300 for closing costs. The funding source is previously approved CDBG funds.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council 1) Approve the budget, 2) Approve the real estate purchase contract and 3) Authorize necessary signatures.

Agenda Item No. 10b

CITY OF WICHITA
City Council Meeting
September 20, 2005

Agenda Report No. 05-0852

TO: Mayor and City Council Members

SUBJECT: Partial Acquisition of Land and Easements for the North Area Sewer
Sanitary Line Near Meridian and 53rd Street North (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition and easements.

Background: On October 21, 2003, the City Council approved the construction, extension of a sanitary sewer line and pump lift station to provide service to newly developing areas in north Wichita. This project requires the acquisition of utility easements on 10 tracts of land for permanent easements and a lift pump station, utility easements to the facility and temporary construction easements on property owned by multiple landowners.

Analysis: The last of the ten sanitary sewer easement tracts to be acquired is a forty foot wide permanent easement which consists of 1.39 acres. A temporary easement encompassing 2.22 acres of land is also required during construction. The tract is presently improved as irrigated agricultural land. The property owner has agreed to provide the necessary easements to the city for \$20,000, or approximately \$4,800 per acre. There is an additional cost of \$3,000 as damages for loss of crops and irrigation system.

Financial Considerations: A budget of \$21,000 is requested. This includes the \$20,000 for the acquisition and damages, \$1,000 for title work, closing costs, etc. The funding source is the sewer utility.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contract and 3) Authorize the Mayor to sign the necessary documents.

Agenda Item No. 13

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0853

TO: Mayor and City Council

SUBJECT: Purchase Option (Series II 1995) (District IV)

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve call instructions to Trustee, and adopt the Resolution authorizing reconveyance upon satisfaction of conditions.

Background: On June 13, 1995, City Council approved issuance of \$3,560,000 in Industrial Revenue Bonds, Series II, 1995, to finance a spice blending and warehouse facility. The Bonds were issued for the purpose of constructing of a 100,000 s.f. building located at Water and 48th Street South.

Analysis: Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for Series II, 1995 Bonds, the Tenant, has the option if all outstanding bonds and Trustee fees have been paid to purchase the facility from the City of Wichita for the sum of \$1000. The City of Wichita, on September 1, 2005, received notice from the Tenant of a request to call outstanding bonds for redemption on November 2, 2005, and notice of the company's intention to exercise its purchase option on or after November 2, 2005. The City will deliver the instruments needed to release its interest in the bond-financed property and terminate the IRB Lease.

Financial Considerations: The purchase price is \$1000 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees.

Legal Considerations: The City is contractually bound to release the IRB Project property to the Tenant, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution, Termination of Lease and Site Lease Agreement, and Bill of Sale (each in substantially the form attached to the Resolution, subject to any necessary corrections in the legal description).

Recommendations/Actions: It is recommended that City Council approve the issuance of call instructions to the Trustee, and adopt the Resolution approving the Termination of Lease and Site Lease Agreement and Bill of Sale, and authorize the Mayor to sign, with delivery contingent upon satisfaction of all conditions for release of the property under the Lease Agreement.

Agenda Item No. 14

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0854

TO: Mayor and City Council

SUBJECT: Reduction of dangerous building removal and weed mowing special assessments for property at 4460 East Boston (District III)

INITIATED BY: Office of Central Inspection; Environmental Services Department

AGENDA: Consent

Recommendation: In order to facilitate purchase of a vacant lot at 4460 East Boston for redevelopment of new single family housing, it is recommended that the City Council reduce the amount of the City's dangerous building removal and weed mowing real estate property tax special assessments.

Background: The Office of Central Inspection (OCI) and Environmental Services Department support neighborhood improvement through abatement of public nuisances under Titles 7, 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or secure private property, and/or to remove trash, debris or weeds that are in violation of City code standards (after proper notification of responsible parties). Private contractors perform any required nuisance abatement work for the City. The City subsequently bills the cost for such abatements to the property owner and, if not paid, the City Council, by ordinance, assesses such abatement costs through the County Tax Assessor's Office.

Over the past two years, the City Council has authorized filing of property tax special assessments totaling \$4,500.80 on the property at 4460 East Boston (\$4,400.80 for dangerous building removal and \$100 for weed mowing). Currently, the total amount owed to the City for these special assessments, including accrued interest, is \$4,810.16.

Mennonite Housing Rehabilitation Services, Inc. (MHRS), is currently considering purchase of the lot at 4460 East Boston, proposing to use federal HOME funding in order to facilitate redevelopment and construction of an owner-occupied single-family home.

Per federal program regulations, MHRS can pay only the current appraised value for the lot, or \$3,500. Proceeds will be reduced by approximately \$889.00, which includes past due 2003 and 2004 taxes in the amount of approximately \$444.00, pro-ratio of the base property taxes currently owed (approximately \$195), and customary seller's expenses for title insurance/closing fees in the approximate amount of \$250. Given these criteria, the sale proceeds that would be

available to pay for public nuisance abatement special assessments is \$2,611, or \$2,199.16 less than the \$4,810.16 currently owed.

Analysis: Frequently, public nuisance abatement special assessments, particularly on vacant lots, are only partially recovered by the City (or are never recovered). This is because many of these vacant lots are eventually auctioned at Sedgwick County real estate tax foreclosure sales. When such properties are purchased through tax foreclosure, much, if not most of the delinquent property taxes and special assessments owed on the property are expunged or significantly reduced.

It appears to be in the City's best interest to facilitate this property sale by reducing the City's public nuisance abatement special assessments from \$4,810.16 to \$2,611. The current dangerous building removal assessment, including accrued interest, of \$4,512.44 would need to be reduced to \$2,551, and the weed mowing assessment of \$105.55 would need to be reduced to \$60.

Financial Considerations: The reduced assessments will facilitate construction on new single-family, owner occupied housing on the lot, and will guarantee recovery by the City of a significant portion of abatement costs that might otherwise not be recovered.

Legal Considerations: The City Council has the authority to remove or abate special assessments it has placed on property.

Recommendations/Actions: It is recommended that the City Council approve the proposed assessment reductions and authorize staff to file appropriate paperwork with the Sedgwick County Assessor's Office.

Agenda Item No. 16

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0817A

TO: Mayor and City Council

SUBJECT: Public Hearing and Adoption of Power CDC Redevelopment Project Plan
(District I)

INITIATED BY: City Manager's Office

AGENDA: Unfinished Business

Recommendation: Close the public hearing and approve second reading of the Ordinance adopting the Redevelopment Project Plan.

Background: On August 2, 2005, City Council adopted a Resolution declaring its intent to consider adoption of a Redevelopment Project Plan for the Power CDC Grocery Store Project and set September 13, 2005, as the date for a public hearing on the matter. However, the publication of the notice in the City's official newspaper failed to take place as planned. The notice was published on September 9, 2005.

Analysis: In order to satisfy the State law requirement that directs the City to publish the Resolution once in the official city's newspaper not less than one week preceding the date fixed for the public hearing, the City's Law Department recommended continuation of the public hearing and final action to approve the Redevelopment Project Plan on September 20, 2005.

On September 13, 2005, the City Council approved first reading of the Ordinance and continued the public hearing to September 20, 2005.

Financial Considerations: There is no financial impact as a result of the continuation.

Legal Considerations: The republication of the notice and continuance of the public hearing was approved by the City's Law Department.

Recommendations/Action: It is recommended that the City Council close the public hearing and approve second reading of the Ordinance adopting the Power CDC Grocery Store Redevelopment Project Plan.

Agenda Item No. 17

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0855

TO: Mayor and City Council

SUBJECT: Public Hearing and Issuance of Industrial Revenue Bonds
(Ethanol Products, LLC) (District II)

INITIATED BY: City Manager's Office

AGENDA: New Business

RECOMMENDATION: Close the public hearing and place the Bond Ordinance on first reading.

BACKGROUND: On May 18, 2005, City Council approved a one-year Letter of Intent to issue IRBs in the amount not to exceed \$2,000,000, and a 100% five-plus-five-year property tax exemption on bond financed property to Ethanol Products, LLC. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a company headquarters facility located

at 37th and Webb in northeast Wichita. On April 5, 2005, City Council approved an extension until December 31, 2005. The construction is now complete and Ethanol Products, LLC, is requesting the issuance of IRBs at this time, in the amount of \$2,000,000.

ANALYSIS: Ethanol Products, LLC is a South Dakota company that was formed in May 2000. Ethanol Products is engaged in marketing, trading, distribution, risk management and market development of renewable fuels throughout the United States. Ethanol Products is the second largest supplier of fuel grade ethanol in the United States with over 615 million gallons of production per year, and currently markets for 18 ethanol plants in the upper Midwest, including one in Kansas. Ethanol Products' customers are primarily comprised of the major petroleum companies and the product is delivered to destinations all across the upper Midwest and on both the East and West Coasts.

Ethanol Product's expansion project includes a 10,000 s.f. corporate headquarters that will accommodate its existing operations. Ethanol has committed to hire 15 new employees over the next five years. The average salary at Ethanol Products is \$116,000 per year.

An analysis of the uses of project funds is:

Building and other Improvements	\$1,990,000	
Furniture and Office Equipment		10,000
Total Cost of Project:	\$2,000,000	

Ethanol Products, LLC

September 20, 2005

The firm Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction. The bonds will be privately placed with the company. The Company has complied with the City's requirements contained in the Standard Letter of Intent Conditions. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	1.21 to one
County	1.54 to one
USD 375	1.19 to one
State	8.64 to one

FINANCIAL CONSIDERATIONS: The Company agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The estimated first year's taxes on Ethanol Products' proposed \$2,000,000 expansion would be \$56,410 on real property improvements, and \$242 on personal property, based on the 2004 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$56,652 of new taxes from the real and personal property tax rolls. The tax exemption

would be shared among the taxing entities as follows: City - \$15,902; County/State - \$15,120; and USD 375 - \$25,630.

LEGAL CONSIDERATIONS: Bond documents needed for the issuance of bonds have been prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. Ethanol Products, LLC, is eligible for incentives under the new Economic Development incentive policy since they are building a corporate headquarters facility in Wichita.

RECOMMENDATIONS/ACTIONS: It is recommended that the City Council close the public hearing, place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$2,000,000, and authorize the necessary signatures.

Agenda Item No. 18

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0856

TO: Mayor and City Council

SUBJECT: Approval of Economic Development Incentives Agreement for Franchise Services Company (District II)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendations: Approve the incentives agreement.

Background: On December 21, 2004, the City Council approved an incentive package for Franchise Services Company ("FSC") to ensure that the expansion and relocation of the company's corporate headquarters stays in Wichita. FSC is a national back-office support services business that was founded by former Pizza Hut Corporation employees to provide accounting and back-office services to Pizza Hut franchises. FSC has expanded its client base to include many other restaurant chains and other businesses. In 2003, FSC was acquired by Savista, a holding company based in Chicago.

As a result of the incentive offer, FSC has relocated its corporate headquarters to space it would lease in the former Thorn Americas building at 37th Street North and Rock Road, where 280 jobs have been retained, mostly accountants at average wages of \$20.00 per hour. The additional space in the new location will allow FSC to add another 625 employees during the next five

years. FSC plans to spend \$16,000,000 to remodel, furnish and equip the new corporate headquarters.

The approved incentive package consists of the following:

State of Kansas:

- \$1,000,000 IMPACT training grant (\$850,000 for training and \$150,000 for project costs.
- Enterprise Zone income tax credits and sales tax exemption.
- \$450,000 KEIEP Forgivable Loan.

City of Wichita:

- \$112,500 forgivable loan.
- Industrial revenue bonds with a 5-year, 100% property tax abatement and sales tax exemption on bond-financed equipment.
- Property tax refund for five years, based on the amount of City taxes on the Thorn Americas building that is attributable to space leased by FSC.

Sedgwick County:

- \$112,500 forgivable loan.
- Property tax refund for five years, based on the amount of County taxes on the Thorn Americas building that is attributable to space leased by FSC.

Analysis: The attached Forgivable Loan Agreement incorporates both the standard provisions pertaining to forgivable loans and special provisions relating to annual incentive payments based on real estate taxes paid by FSC for space leased in the Thorn Americas Building.

Under the standard forgivable loans provisions in the agreement, the City will lend FSC the sum of \$112,500 to be used to reimburse direct expenses of FSC as a result of its move to the Thorn Americas Building. FSC has committed to increasing its employment in Wichita to a total of 910 employees by December 31, 2010 (five years), with interim employment targets for each intervening year. For each year that the employment target is met, one-fifth of loan amount will be forgiven; and at the end of the fifth year the full amount will be forgiven if the full target of 910 employees is met. Any remaining loan balance that has not been forgiven at the end of the fifth year will be due and payable at that time. If the company ceases to operate in Wichita, during the term of the loan, the full original amount of the loan is due and payable, plus accrued interest at 12%.

Under the tax refund provision of the agreement, the City would make annual payments to FSC in the amount of \$11,820.35 for five years, for a total rebate amount of \$59,101.75 over a five-year period ending on December 31, 2010. This amount is based on the amount of city taxes on the Thorn Americas building that is attributable to space leased by FSC. Sedgwick County is expected to approve a similar forgivable loan agreement in which county taxes would be refunded over a five-year period. School district taxes would not be refunded. This incentive is intended as an alternative to property tax abatement, which is not available in cases where space is leased within larger existing buildings.

Financial Considerations: The proposed City forgivable loan would be in the amount of \$112,500. The City's forgivable loan proceeds will be paid to FSC from funds in the 2004

appropriated general fund reserve. The City's share of the annual amount of property tax refund will be paid with funds budgeted each year for incentives in the Economic Development Fund, subject to annual appropriations.

Legal Considerations: The attached Forgivable Loan Agreement has been approved as to form by the Law Department. Both the forgivable loan and the "tax refund" payments represent economic development grants, which are within the City's home rule authority to grant. The exercise of home rule authority requires the adoption of an ordinance.

Recommendation/Actions: It is recommended that the City Council approve the proposed economic development incentive agreement for Franchise Services Company, Inc., and approve first reading of the home rule ordinance.

Agenda Item No. 19

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0857

TO: Mayor and City Council

SUBJECT: 2006 Dental, Vision, Life, AD&D and Long Term Disability Insurance Programs

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendation: Approve the 2006 insurance programs.

Background: The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees, and recommend new/renewal programs or changes in health and non-medical insurance coverage and cost, as required. The Committee includes representatives from the Fraternal Order of Police, International Association of Firefighters, Service Employees International, Teamsters unions, as well as the (non-union) Employees Council and Management staff.

The City Council directed staff to receive competitive bids for the City of Wichita's 2006 dental, vision, life, accidental death and dismemberment (AD&D) and long term disability insurance plans. The Health Insurance Advisory Committee approved the Request for Proposal (RFP) and authorized the Department of Finance to issue the competitive RFP on June 16, 2005. The City used the approved independent Health and Benefits Consultant, Hilb, Rogal & Hobbs to assist in the selection process of the 2006 insurance plans.

The current benefit programs that expire at the end of 2005 are a combination of vision coverage through Vision Service Plan (VSP). In addition, the City offers two voluntary dental plans through Delta Dental, a basic life, dependent life and AD&D insurance program through Minnesota Life, voluntary AD&D insurance through CIGNA and a long-term disability plan through Assurant. On July 7, 2005, the City issued a competitive Request for Proposal (RFP) for dental, vision, life, AD&D and long term disability. Proposals were due July 27, 2005.

Analysis: The City of Wichita received the following qualified proposals:

Fully Insured Dental Plan – Dental Dental of Kansas, Blue Cross/Blue Shield of Kansas, CIGNA and MetLife

Fully Insured Vision Plan – VSP, Avesis, EyeMed, Vision Care Direct, OptiCare, Spectera, and Superior.

Fully Insured Basic Life, Dependent Life and AD&D Insurance Plan (including a new Supplemental Life Plan) – Minnesota Life, Blue Cross Blue Shield of Kansas, CIGNA, Fiserv-Hartford, Chubb (basic AD&D only) KMG and MetLife

Fully Insured Voluntary AD&D Plan- CIGNA, Chubb, Fiserv-Hartford, KMG, MetLife and Minnesota Life

Fully Insured Long Term Disability Plan – Assurant, Blue Cross/Blue Shield of Kansas, CIGNA, Fiserv-Hartford and The Standard

A Screening and Selection Committee (including the Mayor, Council Member Martz and union representatives) interviewed the top providers in each line of coverage on August 24 and August 25, 2005. The firms interviewed included: Minnesota Life; MetLife; CIGNA Group Insurance; Assurant; Chubb; CIGNA; Vision Care Direct; Spectera Vision; Superior Vision; VSP; Delta Dental; and CIGNA Dental.

The Health Insurance Advisory Committee reviewed the recommendations on August 31, 2005. The Health Insurance Advisory Board voted unanimously to recommend the following vendors as the preferred vendors as being the most responsive to the Request For Proposal.

Fully Insured Dental Plan- Delta Dental of Kansas

Fully Insured Vision Plan- VSP

Fully Insured Basic Life, Dependent Life and AD&D Insurance Plan (including a new Supplemental Life Plan)- Minnesota Life

Fully Insured Voluntary AD&D Plan- Minnesota Life

Fully Insured Long Term Disability Plan- CIGNA

The proposed 2006 premiums for each plan are listed in the Attachment I. The Committee also recommends the City accept the benefit enhancements and rate guarantees for each plan as follows:

Dental

The Committee recommends the addition of retirees under age 65 to the City dental plan at no impact to Delta Dental's proposed premium rates. Delta Dental provided a 2-year rate guarantee

for both dental options and a renewal cap of 5% for the Traditional Plan and a renewal cap of 6% for the Preferred Plan in Year 3. The Committee recommends the City accept the 3 year rate guarantee from Delta Dental of Kansas.

Vision

The Committee recommends the following benefit enhancement: increasing the in-network frame allowance from \$115 to \$150 to the current VSP plan. The Committee recommends the City accept the 3 year rate guarantee from VSP.

Life Insurance

The Health Insurance Advisory Committee recommends adding the new, voluntary, supplemental life insurance plan with portability. In addition, all basic life, dependent life and AD&D insurance programs will be consolidated with one vendor. This results in premium savings across all lines of coverage. The Committee recommends the City accept the 3 year rate guarantee from Minnesota Life Insurance.

Long Term Disability

The Committee recommends continuing the 60% incremental benefit, subject to a maximum monthly benefit. The Committee also recommends increasing the current \$5,000 maximum monthly benefit to the proposed \$8,000 maximum monthly benefit. This is considered a benefit enhancement at no impact to CIGNA's proposed premium rates. The Committee also recommends the current plan year be changed from April 1 to January 1 so employees can take advantage of the lower premium rates earlier. All other benefit plans operate on a January 1 start date. The Committee recommends the City accept the 2 year rate guarantee from CIGNA.

Financial Considerations: The dental program, supplemental life insurance, voluntary AD&D and the long term disability plans are employee-pay-all programs. Vision premium costs are 80% City-paid and 20% employee-paid. Basic life and dependent life insurance premium costs are 50% City-paid and 50% employee-paid. Basic AD&D is 100% City-paid.

City Council approval of the recommended plan, maintaining current premium splits, would result in a premium decrease for both the City and employees across all plans in 2006 with no reduction in benefits.

Legal Considerations: Background checks of each company have been undertaken utilizing the United States Securities and Exchange Commission (SEC) 10-Q Quarterly filings and A.M. Best ratings. The Department of Law will review and approve all contracts as to form.

Recommendation/Action: It is recommended that the City Council accept the recommendations of the Health Insurance Advisory Committee and:

- (1) approve Delta Dental, VSP, Minnesota Life and CIGNA as the providers for dental, vision, basic life, dependent life, supplemental life, basic AD&D, voluntary AD&D and long term disability for 2006;
- (2) approve the copays/deductibles/benefits, as applicable for each plan;
- (3) approve the benefit enhancements as recommended for each plan;

- (4) approve adding a voluntary supplemental life insurance program;
- (5) approve the rate guarantees for each vendor as recommended and authorize renewal at the guaranteed rates for 2007 and 2008, as applicable;
- (6) approve amending the current plan year for long term disability from April 1 to January 1 so employees can take advantage of the lower premium rates earlier; and
- (7) authorize the required signatures.

Attachment I

DENTAL, VISION, BASIC LIFE, DEPENDENT LIFE, BASIC AD&D, VOLUNTARY AD&D, SUPPLEMENTAL LIFE INSURANCE AND LONG TERM DISABILITY

CURRENT AND PROPOSED MONTHLY PREMIUM RATES

Dental

Dental Plan	Current(2005)	Proposed(2006)	PercentageChange
Traditional Plan			
Single	\$26.50	\$24.65	-7%
Single + 1	\$50.29	\$46.78	-7%
Family	\$84.04	\$78.16	-7%
Preferred Plan			
Single	\$16.25	\$15.45	-5%
Single + 1	\$30.95	\$29.41	-5%
Family	\$53.87	\$51.19	-5%

Vision

Vision Plan	Current(2005)	Proposed (2006)	PercentageChange
Single	\$10.20	\$9.90	-3%
Family	\$27.40	\$26.61	-3%

Life Insurance

Life Insurance Plan	Current(2005)	Proposed(2006)	PercentageChange
Basic Life*	\$.25*	\$.19	-24%
Supplemental Life	N/A	.125*	N/A
Dependent Life*	\$1.12*	\$.83	-26%
Basic AD&D	\$.035	\$.020	-43%
Voluntary AD&D	Single	Family	
	\$.030	\$.048	\$.027\$.043
			-10%-10%

*Illustrative rate

In addition, the Committee also recommends introducing supplemental life insurance, a new program not currently offered to employees. Again, Minnesota Life proposed the most competitive proposal for supplemental life insurance. Some noteworthy differences with Minnesota Life's proposal include the following:

- § Guarantee issue for supplemental life is 2 times salary with no cap
- § No minimum participation requirements
- § Most competitive increase (4%) to premium rates to add a portability provision

The Health Insurance Advisory Committee voted to accept adding portability to the supplemental life insurance program. Portability means when an employee leaves City employment for reasons other than disability, employees will be able to continue their supplemental life insurance through a portability provision. The portability feature is only available for supplemental life insurance coverage and does not apply to basic, spouse or dependent coverage. This provision is available if employees: (1) have Supplemental Life coverage; (2) are age 69 or under and are no longer eligible under the group policy (due to retirement, termination of employment, layoff or leave, or loss of eligibility); (3) are actively at work.

Accepting this option will increase the supplemental life insurance active premium rates by 4% over active non-portable premium rates with a premium cost differential of approximately 15% at the time the employee leaves employment with the City. The cost to add portability for active employees is proposed at \$.005 per thousand for a 44-year-old person. Thus, the monthly premium for \$100,000 of supplemental life insurance for a 44 year old active employee is \$12.50 per month.

Long Term Disability

Long Term Disability	Current(2005)	Proposed(2006)	PercentageChange								
Age Band	Under 25	25 – 29	30 – 34	35 – 39	40 – 44	45 – 49	50 – 54	55 – 59	60 – 64	65 – 69	70 +
	\$0.47	\$0.53	\$0.63	\$0.87	\$1.28	\$2.22	\$3.47	\$4.03	\$4.12	\$4.70	\$5.22
	\$0.348	\$0.348	\$0.415	\$0.572	\$0.842	\$1.460	\$2.282	\$2.650	\$2.710	\$3.092	\$3.434
Annual Premium	\$260,568		\$171,423		-34%						

Agenda Item No. 20

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0858

TO: Mayor and City Council

SUBJECT: Water and Sewer System Utility Revenue Bonds, Series 2005C

INITIATED BY: Department of Finance

AGENDA: New Business

RECOMMENDATION: Adopt resolution.

BACKGROUND: The Water and Sewer utilities have undertaken major capital efforts, beyond the normal level of capital expenditures, for long-term (50 year) service extensions, most notably in the water supply plan and new sewage treatment facilities. In addition, some substantial rehabilitation projects must be accomplished. Rate increases for the utilities are driven by capital costs, and the higher than normal capital effort is causing projected increases in water and sewer rates.

Water and Sewer Utility financial planning has sought to enhance the financial vitality of the Utilities through growing the revenue base by extension of services, initiation of new wholesale contracts, and a phased five percent increase in the outside City rate surcharge. Debt refinancing options have been pursued whenever they have been deemed to be advantageous.

As water and sewer projects have been initiated, the City Council has adopted resolutions authorizing various Water and Sewer System improvements and the issuance of revenue bonds. These resolutions are in the aggregate principal amount of approximately \$48,000,000. Notices of the Council's intent to carry out the improvements and issue the revenue bonds have been published in the City's official newspaper. The Water and Sewer Department wishes to proceed with the sale of revenue bonds at this time in order to permanently finance a portion of project costs incurred to date.

ANALYSIS: The Water and Sewer Department has been drawing down cash reserves, in anticipation of the issuance of revenue bonds, in order to fund the costs of improvement projects that were previously authorized for bond financing. The proceeds from the proposed bond sale will reimburse prior cash reserve expenditures.

FINANCIAL CONSIDERATIONS: The debt service payments associated with the bonds will be funded entirely from net revenues derived from operations of the City's Water and Sewer Utility.

LEGAL CONSIDERATIONS: The attached resolution and notice of bond sale were prepared by the City's bond counsel, Hinkle & Elkouri LLC, and have been reviewed by the Law Department.

RECOMMENDATION/ACTION: It is recommended that the City Council adopt the Resolution and direct City staff to publish the Notice of Bond Sale and distribute the Preliminary Official Statement.

Agenda Item No. 21

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0859

TO: Mayor and Council Members

SUBJECT: City Operation of Sim & Tex Consolver Golf Courses (Districts IV & VI)

INITIATED BY: Department of Park and Recreation

AGENDA: New Business

Recommendation: Approve the positions and the necessary budget transfers.

Background: The City currently operates five municipal courses. The clubhouse operations of two courses (Sim and Consolver) are managed by contactors; at Auburn Hills, L.W. Clapp, and MacDonald, City staff manage the clubhouse. City staff performs all maintenance functions at all courses.

On August 12, 2003, the City Council approved City staff to operate clubhouses at LW Clapp and MacDonald courses. This action was necessary to replace contracted professionals who voluntarily terminated professional service contracts with the City. Since this time, the City has staffed these courses with PGA Professionals. Contracts with managers of Sim Park and Tex Consolver Golf Courses expire on December 31, 2005. Staff is recommending that upon expiration, City staff be hired to operate the clubhouse operations of these courses.

Analysis: Although contracted professional staff has served the City well, operating all five courses under City control has many advantages. It will allow the standardization of customer service functions and create economies of scale in purchasing and promotions. An estimated four full-time City positions will be required, two at each course. Other initial setup costs will include the purchase of a golf cart fleet, concession inventory, pro shop inventory and modest facility enhancements.

Financial Considerations: The 2005 Revised Budget includes \$249,160 in contingency revenue and \$246,300 in contingency expenditure authority in the event the City operates course clubhouses. Although there will be non-recurring costs in the current year, the overall financial impact on the Golf Fund will be positive. Long term, as economics of scale develop and the City develops strategies to maximize usage of range and concession facilities, City management of clubhouse operations should significantly contribute to the Golf Fund net margin.

Legal Considerations: The Golf Fund is not certified under State law. Budget adjustments over \$25,000 require City Council approval.

Recommendation/Action: Approve four additional full-time positions (one Golf Pro II, one Golf Pro I, and two Assistant Golf Pros) and authorize the necessary budget transfers.

Agenda Item No. 22

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0860

TO: Mayor and City Council Members

SUBJECT: Correcting Assessment Ordinance: Storm Water Drain for Remington Place and Remington Place 2nd Additions (east of Webb, South of 21st) (District II)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Correcting Assessment Ordinance.

Background: On July 20, 2004, the City Council approved assessment ordinances for twenty drainage projects. It has since been determined that the Ordinance for one of the projects, constructing a storm water drain in Remington Place and Remington Place 2nd Additions, is in error. Several lots were inadvertently omitted from the improvement district.

Analysis: A revised Ordinance has been prepared to correct the error. Affected property owners have been notified.

Financial Considerations: The project budget is unchanged.

Legal Considerations: The Law Department has approved the correcting Ordinance as to legal form.

Recommendation/Action: It is recommended that the City Council close the public hearing, approve the proposed assessments and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the assessment Ordinance on the date of its introduction, adopt the assessment Ordinance, and authorize the publication thereof.

REQUEST FOR DECLARATION OF EMERGENCY

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE FINAL ADOPTION OF AN ORDINANCE AS DESIGNATED BELOW.

I, CARLOS MAYANS, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the date of its introduction, to wit, September 20, 2005, of an ordinance entitled:

“AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A

PORTION OF THE COST OF CONSTRUCTION OF SWD NO. 166 TO SERVE
REMINGTON PLACE ADDITION AND REMINGTON PLACE 2ND ADDITION, East of
Webb, south of 21st Street North (468-83253/485-213)”

The general nature of such emergency is to enable the City to deliver final Statements of
Assessment to the property owners included in the above described improvement district on
September 23, 2005.

It is, therefore, expedient at this time that the City Council find and declare that a public
emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally
adopted on the date of its introduction.

EXECUTED at Wichita, Kansas, on this 20th day of September, 2005.

(Seal) _____
ATTEST: CARLOS MAYANS, Mayor

KAREN SUBLETT, City Clerk

GARY REBENSTORF
Director of Law

Agenda Item No. 23

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0861

TO: Mayor and City Council

SUBJECT: Storm Water Rainfall Alert System Replacement and SCADA System
Upgrade

INITIATED BY: Public Works and IT/IS Departments

AGENDA: New Business

Recommendation: Approve the Storm Water rainfall alert system replacement and SCADA
system upgrade.

Background: In 1997, Storm Water Division of Public Works purchased Wonderware software and utilized it to monitor and operate a new pump station site on South Seneca. Since this system was installed, similar installations were made at several other storm water pump stations around the city. The system consists of the Supervisory Control and Data Acquisition (SCADA) element and the Automated Local Evaluation in Real Time (ALERT) rainfall monitoring system. Since these systems were installed, and as the city has expanded its real-time computer capabilities, it has become apparent that this system needs to be upgraded to meet our needs. The SCADA portion of the system runs fairly well, but is not configured to allow maintenance by our city technicians. The ALERT module will allow only one person to access the system at any given time, does not capture data in a user friendly way, and will not allow data to be easily shared with internet users. For these reasons, staff has proposed to upgrade this system as a part of the Public Works technology upgrades that were approved as a part of the 2005R budget.

Analysis: Staff relies heavily on the SCADA and ALERT systems to transmit remote station status and rainfall data centrally. Due to the age of the hardware and software, and increased complexity of the operation, the system is no longer working properly and meeting the business needs. The ALERT system cannot provide accurate data for staff analysis. As a result, the software and hardware for the entire system must be upgraded and replaced. This project will upgrade the Wonderware software for the SCADA system and replace the software interface for the ALERT system with DataWise software. The upgrade and replacement will increase departmental efficiency. Future possibilities for the system are sharing rainfall information with the citizens of Wichita and making predictions on river flooding and early warning. The scope and intent of the current project have been approved by the IT/IS Advisory Board.

Financial Considerations: The total expenditure for this project will not exceed \$85,000, and includes software packages and licensing, installation, on-site training, and one year of support. The total annual support cost for the system will not exceed \$10,000. The purchase will be made according to Purchasing Ordinance 38-122(g), relating to high technology items.

Legal Considerations: The contract has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council: 1) approve the upgrade and replacement project; 2) authorize the necessary signatures; and 3) fund transfers required for the project.

Agenda Item No. 24

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0862

TO: Mayor and City Council Members

SUBJECT: Greenwich Road Improvement, between 13th and 27th St. North (District II)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Greenwich, between 13th and 27th St. North. District II Advisory Board sponsored a January 3, 2005, neighborhood hearing on the project. The Board members present were in support of the project, but no vote was taken due to the lack of a quorum.

Analysis: The project will reconstruct Greenwich to provide a 4 – 6 lane roadway and a median for left turn lanes. Traffic signals will be installed at the intersection of 21st and Greenwich. A new storm water sewer will be constructed. The available right-of-way will be landscaped.

Financial Considerations: The estimated project cost is \$6,000,000 with \$2,000,000 paid by the City and \$4,000,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the Ordinance on First Reading, and authorize the signing of State/Federal agreements as required.

Agenda Item No. 25

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0863

TO: Mayor and City Council Members

SUBJECT: Harry Street Improvement, from K-42 Highway to Meridian (District IV)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Harry Street, from K-42 Highway to Meridian. District IV Advisory Board sponsored a January 5, 2005, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

Analysis: The project will reconstruct Harry, to provide two through lanes and a center two-way left turn lane. The traffic signals at K-42 Highway and Meridian will be upgraded. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned for 2006.

Financial Considerations: The estimated project cost is \$995,000, which includes \$45,000 previously approved by the City Council for design expenses. The funding source is General Obligation Bonds

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project and place the Ordinance on First Reading.

Agenda Item No. 26

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0864

TO: Mayor and City Council

SUBJECT: Public Hearing; Resolution of Support for Low Income Housing Tax Credit Application, Keystone Apartments (District III)

INITIATED BY: Housing and Community Services Department

AGENDA: New Business

Recommendation: Adopt the resolution of support.

Background: On August 16, 2005, the City Council adopted a resolution of support for an application for Low-Income Housing Tax Credits to be submitted by Midwest Ventures, LLC, in connection with the renovation of the Keystone Apartments, by a 7-0 vote. (The State of Kansas requires developers/owners to obtain a resolution of support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.)

Analysis: The Keystone Apartments are located at 758 S. Sylvan Lane, directly north of Southeast High School. The apartment community will offer 180 units of one and two bedroom apartments in four-plex style structures upon completion of rehabilitation.

The City's Housing Tax Credit Policy requires a set-aside of 20% of the units (36 total units) for market rate tenants. Midwest intended to comply with this requirement, but has encountered difficulty in identifying an investor willing to purchase the tax credits if the project is structured in this manner. Therefore, Midwest is now requesting waiver of the 20% market rate unit requirement, in order to offer 5% of the units as market rate units. The Housing and Community Services Department supports the waiver request because the additional financing to be made available from the sale of the tax credits will result in additional improvements to the project, such as new roofing for 35 buildings, paving of the parking areas, and installation of central air conditioning systems, as opposed to window-unit air conditioners. These additional improvements will improve the long-term viability of the project. In addition, given the nature of the project, the rent amounts charged for the "market rate" units cannot differ significantly from the rent amounts charged for the tax credit units, if they are to be rented. The difference is expected to be no more than \$20.00 per month.

The District III advisory board reviewed the waiver request during its September 7, 2005 meeting and approved recommendation of adoption of the resolution of support with waiver of the 20% market-rate unit requirement by a 10-0 vote. The Housing Advisory Board (HAB) and the Development Coordinating Committee (DCC) have been supportive of this project based on their review criteria.

Financial Considerations: The total hard cost of rehabilitation is now estimated to be \$1,966,000. The City will not directly participate in the financing of the project.

Legal Considerations: In accordance with City Council Resolution No. R-95-479, Midwest has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. This resolution also requires that the Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application for low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolution of support for the Midwest application for Low-Income Housing Tax Credits, with waiver of the 20% market-rate unit requirement, and authorize the necessary signatures.

Agenda Item No. 27

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0865

TO: Mayor and City Council Members

SUBJECT: DR2005-28: Resolution Supporting PRIDE Program Involvement with El Pueblo Neighborhood Association (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Recommendation: Adopt the resolution of support.

Background: Earlier this year, the El Pueblo Neighborhood Association approached representatives of the Kansas PRIDE Program with a request for assistance in developing a neighborhood vision to address a variety of housing, social, health, education and recreational issues in this newly formed neighborhood association. The Kansas PRIDE Program is a no-cost service provided through the Kansas Department of Commerce and Kansas State University to help citizen groups organize and work together for community improvement. The types of services provided include community resource assessment tools, assistance in facilitating meetings and assisting with community organization. The success of the program depends on the initiative, leadership and commitment of the local participating neighborhood or community group. The Kansas PRIDE Program is typically targeted to the smaller communities and rural areas of Kansas. PRIDE has not yet worked with a community group in Wichita. A requirement of the PRIDE Program involvement with a community group is a resolution of support from the municipality. It is anticipated that PRIDE will start working with El Pueblo Neighborhood Association later this month and conclude in early 2006.

Analysis:

In conjunction with the PRIDE Program initiative, the El Pueblo Neighborhood Association has engaged the support of Inter-Faith Ministries who will dedicate an AmeriCorps worker to help identify community resources within the neighborhood. The Metropolitan Area Planning Department has also agreed to commit staff support to help the El Pueblo Neighborhood Association develop a neighborhood plan, starting in March 2006, based upon the outputs of this PRIDE Program initiative.

Financial Considerations: Adopting the resolution of support for the PRIDE Program involvement with the El Pueblo Neighborhood Association does not financially obligate the City in any way.

Legal Considerations: The adopting Resolution has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: Adopt the resolution of support.

Agenda Item No. 28

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0866

TO: Mayor and City Council Members

SUBJECT: Agreement between the City of Wichita and the Kansas State Historic Preservation Officer for performance of project reviews under K.S.A. 1995 Supp. 75-2724 (All Council Districts)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (consent)

Staff Recommendation: Authorize the City Manager to sign the Agreement.

Background: The current agreement for performance reviews expires October 1, 2005. This agreement delegates the review responsibilities for all state/national register listed properties and all environs reviews to be performed by the City of Wichita Historic Preservation Board. This agreement provides appeal to the City Council of HPB determinations, as the HPB is not allowed to consider mitigating circumstances in accordance with State law.

In 1995, the Kansas Historic Preservation Act was amended to allow SHPO to develop agreements with Certified Local Governments to perform all statutory responsibilities of the Kansas Historic Preservation law with regard to design review. The City has had this agreement in effect since 1997. Should this agreement not be executed, all design review for state/national register listed properties would have to be conducted by the SHPO, which would mean delays of up to 30 days for any project requiring a building permit.

From October 1, 2000 through July 31, 2005, the Historic Preservation Board has processed 896 cases in accordance with this agreement.

Analysis: The execution of this agreement will continue to provide design review at the local level and keep the review process streamlined.

Financial Considerations: None to the city.

Legal Consideration: Law Department has reviewed the agreement and approved as to form.

Recommendations/Actions: Authorize City Manager to sign the Programmatic Agreement.

Attachments

Programmatic Agreement

Agreement between the Kansas State Historic Preservation Officer
and Local Governments in Kansas:

Performance of project reviews under K.S.A. 1995 Supp. 75-2724

Under subsection (e) of K.S.A. 1995 Supp. 75-2724, the state historic preservation officer may enter into an agreement authorizing a city or county to make recommendations or to perform certain statutory responsibilities of the state historic preservation officer if the state historic preservation officer determines that the city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission, and is actively engaged in a local historic preservation program.

Whereas the City of Wichita, hereinafter referred to as the City, has requested the state historic preservation officer to enter into such an agreement, and whereas the state historic preservation officer has determined that the City meets the requirements of K.S.A. 1995 Supp. 75-2724 (e), therefore the City hereby agrees to the following terms:

1. The City's historic preservation board or commission, hereafter referred to as commission, shall perform all responsibilities of the state historic preservation officer under K.S.A. 1995 Supp. 75-2724 (a) and (c). The commission shall review and make a determination on all projects that are required to be sent through the City to the state historic preservation officer for review. If a particular professional discipline such as archeology, architecture or history is not represented on the local historic preservation commission, it must seek professional advice as needed in that area when reviewing projects under K.S.A. 1995 Supp. 75-2724 (a). The state historic preservation officer retains the responsibility to review projects affecting or directly involving historic properties owned by the state of Kansas included in the national register of historic places or the Kansas register of historic places.
2. The City shall develop a list of project types proposed for administrative review by the City's preservation planning staff to address projects of lesser significance that do not warrant full review by the commission. The City shall submit the list, along with the name(s) of staff designated to perform the reviews, to the state historic preservation officer for approval prior to its adoption. City staff shall not be granted the authority to make the determination that a proposed project will encroach upon, damage, or destroy any historic property included on the national register of historic places or the Kansas register of historic places or the environs of such property. When such a determination is likely to be made under an administrative review, that project shall be submitted to the commission which shall make the official determination.
3. The commission and City staff shall utilize the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and supplemental guidelines, as needed, as the basis for reviewing all projects. All supplemental guidelines utilized shall be approved in advance by the state historic preservation officer.

4. The City may request the technical assistance of the state historic preservation officer for projects which are complex. The state historic preservation officer shall respond with written advice to the City upon such request.

5. The City shall forward its findings and decisions to the state historic preservation officer on a monthly basis or at the time of submission of the minutes of each meeting of the commission, whichever is applicable. If the commission determines that a proposed project will encroach upon, damage, or destroy any historic property included on the national register of historic places or the Kansas register of historic places or the environs of such property, the City shall advise the state historic preservation officer, in writing, of such finding within five business days.

6. Determinations by the commission that a project will encroach upon, damage or destroy any historic property or its environs shall proceed to the City's governing body, where appropriate, for action as provided under subsection (a) of K.S.A. 1995 Supp. 75-2724. In those instances where the decision of the City governing body is contrary to the findings of the commission, the project shall not proceed until: (a) the City's governing body has made a determination that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use and (b) five days' notice of such determination has been given by certified mail to the commission as required by K.S.A. 1995 Supp. 75-2724 (a).

7. This agreement shall be in effect for five years from the date of execution by both parties and shall be renewable for additional five-year terms at the option of both parties.

8. Amendments to this agreement will be in effect upon their signed acceptance by the City and the state historic preservation officer.

9. This agreement may be terminated by either party for good cause upon ninety days' written notice to the other party.

10. As provided in K.S.A. 1995 Supp. 75-2724 (e), the state historic preservation officer shall retain final authority to implement the provisions of K.S.A. 1995 Supp. 75-2724. Nothing in this agreement shall be construed as limiting the authority of the state historic preservation officer to investigate, comment, and make determinations otherwise permitted by K.S.A. 1995 Supp. 75-2724.

Date _____ Authorized representative of the City of
____ Wichita _____
George R. Kolb, City Manager

Date _____ State Historic Preservation Officer

Approved as to form:

Gary Rebenstorf, Director of Law

Agenda Item No. 29

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0867

TO: Mayor and City Council Members

SUBJECT: Consider a Resolution to authorize the support for and filing of 2008 Transportation Enhancement Program applications to the Kansas Department of Transportation in support of the proposed Delano Trail and the proposed I-135/K-96 Trail. (Districts I and IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Approve the resolution.

Background: Transportation Enhancement is a funding category of the federal transportation program (TEA-21). The Kansas Department of Transportation (KDOT) will receive application for Enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT's funding eligibility criteria. The three categories under enhancement are: 1) historic preservation of transportation structures 2) scenic and environmental and 3) pedestrian and bicycle facilities. Kansas' share for these three Enhancement categories is typically about \$8-10 million, but the exact allocation for fiscal year 2008 projects has not been released at this time. Applications sponsored by the City of Wichita will compete for these funds with other statewide projects. Only tax levying entities can sponsor applications; however, private funds may be used as local match. KDOT will announce the awards in the Spring of 2006.

Analysis: In working with neighborhood community groups, the City of Wichita identified two projects that are consistent with adopted neighborhood plans and will be submitted to KDOT for Transportation Enhancement funding consideration.

- Delano Pedestrian-Bicycle Trail - This project extends the Arkansas River Trail along the abandoned railroad corridor in the Delano District. (District IV)
- I-135/K-96 Bike Path Connection - This project will link McAdams Park to Grove Park and provide continuity between K-96 and the I-135 Trail System. (District I)

Both of these projects were endorsed by the Park Board and the District I Advisory Board on September 13, 2004, by the District IV Advisory Board on September 1, 2004, and were submitted in the 2006-2007 application cycle. Although these projects were not approved in the last application cycle, neighborhood community groups have worked to make these applications more competitive, and updated letters of support will be incorporated into these applications to demonstrate the continued need and support for these projects.

On October 7, 2005, the Delano Pedestrian-Bicycle Trail project application and the I-135/K-96 Bike Path project application will be submitted to the Wichita Area Metropolitan Planning Organization (WAMPO) for review to ensure that both projects are compliant with WAMPO's long-range transportation plan. In addition, a resolution of support and commitment must be approved by the Wichita City Council as a required component of the application. Upon City Council approval and completion of WAMPO's review, the City of Wichita will submit both applications to KDOT for transportation enhancement funding consideration. The deadline to submit applications to KDOT is November 7, 2005.

Financial Considerations: KDOT requires a minimum 20 percent local match; however, staff is proposing a 30 percent local match in order to score higher points under KDOT's rating scheme and to raise the probability of Wichita projects being selected. The total construction and engineering cost of the proposed Delano project is estimated at \$399,930. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$119,979 in local match, which is 30% of the total construction and engineering project cost. The City of Wichita Capital Improvement Program (CIP) set aside \$215,000 specifically for the proposed Delano Pedestrian-Bicycle Trail, which is adequate to cover both the 30% local match contribution, as well as, design cost.

The total construction and engineering cost of the proposed I-135/K-96 project is estimated at \$1,094,683. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$328,405 in local match, which is 30% of the total construction and engineering project cost. The City of Wichita Capital Improvement Program (CIP) set aside \$250,000 specifically for the proposed I-135/K-96 Trail. In addition, \$400,000 has been allocated each year in the CIP to support Transportation Enhancement projects.

Legal Considerations: All projects must be approved by the Wichita Area Metropolitan Planning Organization (WAMPO) for conformity with long-range transportation plans. The Wichita City Council must also approve the filing of the application through a resolution that also states that the City accepts responsibility for coordination of these projects and is committed to funding 30% of the total project cost as a local match contribution.

Recommendations/Actions: It is recommended that the City Council approve the resolution of support and authorization for application submittal to the KDOT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WICHITA TO APPROVE THE FILING OF APPLICATIONS TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF

TRANSPORTATION ENHANCEMENT FUNDS SET FORTH BY THE FEDERAL
TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY AND AUTHORIZING THE
MAYOR TO SIGN THE APPLICATION.

WHEREAS, the City of Wichita, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal aid to public agencies; and

WHEREAS, the City of Wichita, Kansas, desires to submit an application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, the City of Wichita, Kansas, is participating in the Kansas Department of Transportation's Transportation Enhancement Program set forth by the Federal Transportation Equity Act for the 21st Century; and

WHEREAS, Federal monies are available under a transportation enhancement program set forth by the Federal Transportation Equity Act for the 21st Century, administered by the State of Kansas, Department of Transportation, for the purpose of Historic, Scenic and Environmental, and Pedestrian and Bicycle projects; and

WHEREAS, After appropriate community input and due consideration, the Governing Body of the City of Wichita, Kansas has recommended that applications be submitted to the State of Kansas for funding consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF WICHITA, KANSAS:

SECTION 1. That the City of Wichita, Kansas approves the submission of Transportation Enhancement project applications as identified below:

Pedestrian and Bicycle Facilities Category

- I-135 / K-96 Bike Path Connection (McAdams Park to Grove Park)
- Delano Trail / Bike Path (Arkansas River Trail to Seneca Street)

SECTION 2. That the City of Wichita, Kansas, hereby accepts responsibility for the coordination of these projects, commits to 30% of the total project cost as a local match contribution, and assures the Kansas Department of Transportation that sufficient funding for the construction of these projects is available.

SECTION 3. That the City of Wichita, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the operation and maintenance of these projects, if selected, will be available for the life of the project.

SECTION 4. That the City of Wichita, Kansas, hereby assures the Kansas Department of Transportation that the City of Wichita, Kansas, will have title or permanent easement for these projects by the time of project letting.

SECTION 5. That the Mayor of the City of Wichita, Kansas, is authorized to sign the application to the Kansas Department of Transportation for transportation enhancement program funds set forth by the Federal Transportation Equity Act for the 21st Century on behalf of the citizens of Wichita, Kansas. A City official (to be designated) is authorized to submit additional information as may be required and act as the official representative of the City of Wichita in this and subsequent related activities.

SECTION 6. That the City of Wichita, Kansas, hereby assures the Kansas Department of Transportation that the City of Wichita, Kansas, is willing and able to administer the design, letting and construction of the projects, if selected.

ADOPTED AND PASSED by the Governing Body of the City of Wichita, Kansas, this 20th day of September 2005.

Carlos Mayans, Mayor
ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM

Gary Rebenstorf, Director of Law

Agenda Item No. 30

City of Wichita
City Council Meeting
September 20, 2005

Agenda Report No. 05-0868

TO: Mayor and City Council Members

SUBJECT: SUB 2005-46 -- Plat of Harbor Isle South Addition, Located North of 41st Street North and on the East Side of Meridian. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of 39 lots on 61.7 acres, is within Wichita's city limits. A zone change (ZON 2005-21) from SF-5, Single-Family Residential District and LC, Limited Commercial District to LC, Limited Commercial District and NR, Neighborhood Retail District has been approved. The Harbor Isle South Community Unit Plan (CUP 2005-22/DP-285) has been approved, and a CUP Certificate has been submitted identifying the approved CUP and its special conditions for development on this property.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for future sewer, water and paving improvements. A Restrictive Covenant has been submitted to: 1) outline restrictions for lot-owner use for platting narrow street right-of-way with adjacent street, drainage and utility easements; 2) create four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street; 3) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves; and 4) create a Homeowners' Association to maintain the parking strip between Reserve A and Meridian. An Access Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Consideration: None.

Legal Considerations: The CUP Certificate, Certificate of Petitions, Restrictive Covenant and Access Easement will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.

(150004) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2005-21

Zone change request from SF-5, Single-Family Residential District and LC, Limited Commercial District to LC, Limited Commercial District and NR, Neighborhood Retail District, described as:

Lot 39, Block 1 (NR) and Lot 1, Block 1 (LC), Harbor Isle South Addition, to Wichita Sedgwick County, Kansas.

Generally located north of 41st Street North and on the east side of Meridian.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____ 2005.

ATTEST:

Karen Sublett, City Clerk
(SEAL)

Carlos Mayans, Mayor

Approved as to form:

Gary E. Rebenstorf, City Attorney